

### **REMARKS**

The enclosed is responsive to Examiner's Office Action mailed on August 21, 2006. At the time Examiner mailed the Office Action claims 1-27 were pending. By way of the present response Applicant has: 1) amended claims 1, 8, 13, 20-27; 2) added no new claims; and 3) canceled no claims. As such, claims 1-27 are now pending. Applicants respectfully request reconsideration of the present application and the allowance of all claims now presented.

#### **Claim Rejections – 35 USC §101**

Claims 13-27 stand rejected under 35 USC. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 13 has been amended to recite "a test workstation" instead of "a test application program." Support for such amendment can be found throughout the drawings and specification. More specifically, support can be found at least in Figure 2 of the application as originally filed. Claim 13 now recites in part, "a test workstation to receive results of the data and/or operations in a business layer format from a test plugin at the business layer and to transfer the data, operations and/or results of the data and operations to a test control program." Therefore, Applicants respectfully submit that the § 101 rejection is overcome.

Claim 14-19 ultimately depend from claim 13 and therefore overcome the rejection for at least the reasons stated forth above for Claim 13.

Claim 20 has been amended to include the language, "An article of manufacture comprising: a machine accessible storage medium storing instructions that, when executed by a processing system, cause the processing system to perform operations comprising..." Therefore, Applicants respectfully submit that the § 101 rejection is overcome.

Claim 21-27 ultimately depend from Claim 20 and as such have overcome the rejection for at least the same reasons as discussed above for Claim 20.

#### Claim Rejections – 35 USC §102

Claims 1-7 and 13-27 stand rejected under 35 U.S.C. 102(e) as being anticipated by Robertson, U.S. Patent No. 6,697,967 (hereinafter "Robertson").

Claim 1 has been amended to recite in part, "transmitting the entered data, operations and/or results **in the business layer format from a test plugin at a business layer to a test control program.**" This amendment has been made to further clarify that the recording of the test script is occurring at the business layer. Support for the amendment can be found throughout the drawings and specification. More specifically, support can be

found at least in paragraph 0036 of the application as filed. Robertson does not teach a test plugin nor does he teach transmitting the entered data, operations and/or results in a business layer format to the test control program. Robertson describes that “as the commands are executed by the test set and/or switch, the results are returned to the scripter. The scripter then forwards the test results to the httpd user interface.” (Robertson; col. 6, lines 5-9). However, Robertson makes no mention of such results being in a business layer format.

Furthermore, Claim 1 also requires, in part, a storing of the entered data, operations and/or results **in the business layer format within a test script**. The Office Action refers to column 5, lines 30-53, of the Robertson reference; however, the method described consists of entering a test script into the http'd interface, parsing the script, generating commands from the script which are sent to test sets and/or switches to be executed, and then transmitting the outputs to a scripter which forwards it to the http'd interface. In Robertson, the entered data itself is a test script; however, Robertson does not teach or describe the storing of business layer formatted data, operations, or results within a test script. Therefore, Robertson does not disclose all the limitations of Claim 1 and Applicants respectfully request that Claim 1 be put in a condition for allowance.

Claims 2-7 ultimately depend from independent Claim 1 and as such are in a condition of allowance for at least the reasons stated forth above for Claim 1.

Claim 13 has been amended to recite, in part, "a test workstation to receive results of the data and/or operations in a business layer format **from a test plugin at the business layer** and to transfer the data, operations and/or results of the data and operations to a test control program" (Emphasis added). As similarly argued above for Claim 1, Applicants point out that Robertson does not teach the transfer of data, operations and/or results of the data and operations to a test control program. Moreover, Robertson does not teach a test workstation that receives the results of the data and/or operations in a business layer format from a test plugin at the business layer. Furthermore, Claim 13 requires in part, "a test script to store the entered data, operations and/or results in the business layer format, the test script usable to test an instance of an application within the business layer of the application." As similarly argued above for Claim 1, Robertson does not disclose this limitation and therefore does not anticipate Claim 13 for at least the reasons stated above. Therefore, Applicants respectfully submit that Claim 13 is in a condition of allowance.

Claims 14-19 ultimately depend from independent Claim 13 and as such are in a condition of allowance for at least the reasons stated forth above for Claim 13.

Claim 20 has been amended to recite in part, "transmitting the entered data, operations and/or results **in the business layer format from a test plugin at a business layer to a test control program.**" As similarly argued above for Claim 1, Applicants point out that Robertson does not teach the transfer of data, operations and/or results of the data and operations from a test plugin at the business layer to a test control program. Furthermore, Claim 20 requires in part,

an article of manufacture comprising: a machine accessible storage medium storing instructions that, when executed by a processing system, cause the processing system to perform operations comprising: “storing the entered data, operations and/or results in the business layer format within a test script, the test script usable to test an instance of an application at the business layer of the application.” As similarly argued above for Claim 1, Robertson does not disclose such storing in the business layer format within a test script, and therefore does not anticipate Claim 20 for at least the reasons stated above. Therefore, Applicants respectfully submit that Claim 20 is in a condition of allowance.

Claims 21-27 ultimately depend from independent Claim 20 and as such are in a condition of allowance for at least the reasons stated forth above for Claim 20.

#### Claim Rejections – 35 USC §103

Claims 8-12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson, in view of Shupps et al., U.S. Publication No. 2002/0188890, (hereinafter “Shupps”).

Claim 8 has been amended to recite in part, **“transmitting the business layer results from a test plugin at a business layer to a test control program.”** Support for the amendment can be found throughout the drawings and specification. More specifically, support can be found at least in paragraph 0027 and 0030 of the application as originally filed. As similarly argued above for Claim 1, Applicants point out that Robertson does not teach

the transfer of results of the data and operations at the business layer.

Furthermore, Shupps does not teach or describe such a transfer from a test plugin at the business layer to a test control program. Shupps teaches a server computer presenting an application and generating rendered code that may be transmitted over the network to the client computer, where the “rendered code may be in a markup language including Hypertext Markup Language or any of the other well known variants...” (Shupps; paragraph 0074); however, Shupps makes no express mention of a transfer of the results in the business layer format from a test plugin at a business layer to a test control program. As the combination of Robertson in view of Shupps does not teach or suggest all the limitations of Claim 8, Applicants respectfully submit that Claim 8 is in a condition for allowance.

Claims 9-12 ultimately depend from independent Claim 8 and as such are in a condition of allowance for at least the reasons stated forth above for Claim 8.


**CONCLUSION**

Applicant respectfully submits that all rejections have been overcome and that all pending claims are in condition for allowance.

If there are any additional charges, please charge them to our Deposit Account Number 02-2666. If a telephone conference would facilitate the prosecution of this application, Examiner is invited to contact Thomas C. Webster at (408) 720-8300.

Respectfully Submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 11/21/06

  
\_\_\_\_\_  
Thomas C. Webster  
Reg. No.: 46,154

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720-8300